

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

: A HEARING WILL BE HELD ON
:
1 Deborah Gonzalez,
Debtors. : CHAPTER 13
:
: BANKRUPTCY NO. 5:18-bk-03386-JJT
:
: 11 U.S.C.
:
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WESTGATE VACATION VILLAS, LLC'S
OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

Westgate Vacation Villas, LLC (the “Creditor”), by its undersigned attorneys files this
Objection to Confirmation of the Debtors’ Chapter 13 Plan and states as follows:

1. On August 14, 2018, the Raul Gonzalez and Deborah Gonzalez (the “Debtors”) filed a voluntary petition for relief under Chapter 13 of Title of the United States Code.
 2. The Creditor holds a note secured by a Warranty Deed and Lien on Real Property commonly known as the timeshare interest located at 7700 Westgate Blvd., Kissimmee, FL 34747 (the “Property”).
 3. The Creditor filed a proof of claim with the court on September 5, 2018 in the amount of \$13,714.68 with interest at 17.99% per annum (the “Claim”). A true and correct copy of the Claim and its supporting documents is attached hereto as Exhibit “A.”
 4. The Debtor’s chapter 13 plan indicates that it is their intention to replace the value of Westgate’s claim with an amount of \$1,200.00 and pay no interest toward the secured claim. However, the Debtor has failed to supply any documentation that would justify the presented treatment of the Creditor’s claim.

5. The timeshare interest subject to this objection is a luxury item and is not necessary for an effective reorganization. Therefore, if the Debtors cannot pay pursuant to the original terms of the Note and Warranty Deed and Lien, they should surrender their interest in full satisfaction of the debt.

6. Additionally, pursuant to the Debtors' schedules I and J, the Debtors do not have enough monthly income to afford this luxury item. After all of their expenses they have a surplus of \$461.50 a month. Even if they were to cram down the value of the timeshare interest, that doesn't take into consideration the maintenance and assessments that are due on the timeshare interest to the Association that they have to pay (see claim on file with the court numbered as 8-1 on behalf of Westgate Town Center Owners Association, Inc.).

Wherefore, Westgate Vacation Villas, LLC requests this Court to deny the Confirmation of the Debtors Chapter 13 Plan or in the alternative require the Debtor to amend their Chapter 13 Plan to either pay the Creditor's claim in full, or to surrender the Property.

DATED this 17th day of September, 2018.

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